

United States District Court

SOUTHERN

NEW YORK

DISTRICT OF _____

MASON TENDERS DISTRICT COUNCIL
WELFARE FUND, et al.,

Plaintiffs,

SUMMONS IN A CIVIL ACTION

V.

CASE NUMBER: 07.CV

HORIZON GROUP OF NEW ENGLAND, INC.
and TRAVELERS CASUALTY AND SURETY COMPANY
OF AMERICA,

Defendants.

TO: (Name and Address of Defendant)

HORIZON GROUP OF NEW ENGLAND, INC.
122 OLD KARNER ROAD
ALBANY, NEW YORK 12205

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
1500 MARKET STREET, SUITE 2900
PHILADELPHIA, PENNSYLVANIA 19102

07 CIV 3770

JUDGE SAND

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

GORLICK, KRAVITZ & LISTHAUS, P.C.
17 STATE STREET, 4TH FLOOR
NEW YORK, NEW YORK 10004

20

an answer to the complaint which is herewith served upon you, within _____ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

MAY 14 2007

J. MICHAEL McMAHON

CLERK

DATE

Marko Quintero

BY DEPUTY CLERK

RETURN OF SERVICE

Service of the Summons and Complaint was made by me ¹	DATE
NAME OF SERVER (PRINT)	TITLE

Check one box below to indicate the appropriate method of service:

Served personally upon the defendant. Place where served: _____

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion than residing therein.

Name of person with whom the summons and complaint were left: _____

Returned unexecuted: _____

Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____ Date _____ Signature of Server _____

Address of Server _____

GORLICK, KRAVITZ & LISTHAUS, P.C.

Michael J. Vollbrecht, Esq. (MV 1118)
 17 State Street, 4th Floor
 New York, New York 10004
 (212) 269-2500
 MVollbrecht@gkllaw.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

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MASON TENDERS DISTRICT COUNCIL	:
WELFARE FUND, PENSION FUND, ANNUITY	:
FUND, and TRAINING PROGRAM FUND, and	:
JOHN J. VIRGA, in his fiduciary capacity as Director,	:
	:
Plaintiffs,	:
	:
- against -	:
	:
HORIZON GROUP OF NEW ENGLAND, INC. AND	:
TRAVELERS CASUALTY AND SURETY COMPANY	:
OF NEW YORK,	:
	:
Defendants.	:
-----	X

STATE OF NEW YORK)
)
 COUNTY OF NEW YORK)

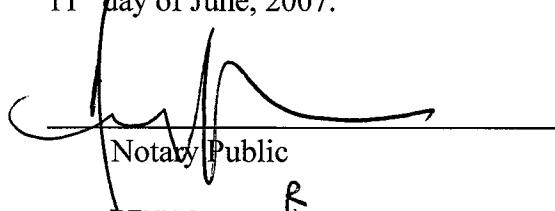
TIFFANY LEWIS, being duly sworn, deposes and says that on June 7, 2007 at approximately 1:00 p.m. at the offices of the State of New York Insurance Department, deponent served a true and correct copy of the Summons and Complaint upon TRAVELERS CASUALTY AND SURETY COMPANY OF NEW YORK, by delivering to and leaving with Keiko Omori of the State of New York Insurance Department, located at 25 Beaver Street, New York, New York 10004.

Ms. Omori, is a female, approximately 50 years of age, stands approximately 5 feet 0 inches tall, weighs approximately 115 pounds with brown eyes and pepper hair. A copy of the State of New York Insurance Department receipt of service is annexed hereto as Exhibit A.



Tiffany Lewis

Sworn to before me this
11th day of June, 2007.



Notary Public

DENNIS E. TOREGGIANI
Notary Public, State of New York
No. 02TO6119910
Qualified in Kings County
Commission Expires December 6, 2008

NEW YORK STATE INSURANCE DEPARTMENT

No 12604

DATE June 7 2007 CK# 25917

RECEIVED OF Horlick, Kravetz & Lesthaw

Forty DOLLARS
Mason Tenders District Council Welfare
Fund v. Travelers Casualty & Surety Company of
Recd. Edward Thompson, attorney
\$ 40.00 Legal Asst.
By: